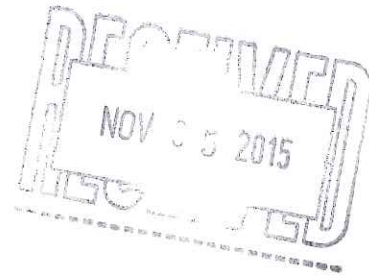


Alex Hoar and Pam Rooney  
42 Cottage Street  
Amherst, MA 01002



November 5, 2015

Delivered by hand

Select Board  
Town of Amherst  
Amherst, MA 01002

Dear Select Board Members:

We are opposed to granting a wine/beer license to the Amherst Center Store (ACS), at 259 Triangle Street for the reasons provided in this letter. The ACS location has succeeded as a convenience-type store for over 50 years, without alcohol sales. We respectfully request that the Select Board continue the opportunity to receive public comments on the proposal at the next meeting. .

**1. Issuance of the liquor license would set bad precedent for a Business-Limited (B-L) District**

There are NO off-premises wine/beer sales in any of Amherst's B-L Districts. Issuance of an off-premises wine/beer license sets a bad precedent. Off-premises wine/beer sales are in Business-General and other districts. Issuing an off-premises wine/beer license to the ACS offends the purpose and function of the B-L to provide a buffer between the Business-General District and the neighborhood.

**2. Issuance of the liquor license would create a Grab 'n Go for beer and wine that would be an inappropriate in the B-L District, increase traffic issues, be disruptive to the neighborhood, and could be unsafe.**

The Select Board denied a request by a gas station for a license for off-premises wine/beer sales. The Select Board said it could not sanction Grab'n Go alcohol sales. The Select Board should deny this license on the same grounds since it would be a Grab'n Go in a B-L District.

ACS would be closer to the UMass campus than any other store with off-premises liquor sales. We expect a large proportion of the sales would be to UMass students. We have had people urinating, defecating, and sleeping at night behind our house in the wooded area that abuts the B-L District. We called the police and were told it is private property. We do not want more of that. It is not safe or healthy. Issuance of the liquor license to ACS would create an atmosphere conducive to more unsavory behavior. The Select Board can avoid that by denying a license to ACS.

Issuing a liquor license to ACS, and effectively creating a Grab'n Go, would increase the baseline level of traffic related disturbance and safety issues. If the Select Board would not deny a liquor license to ACS, then we request that the Select Board require ACS to assess and report back on the impacts of license issuance on issues below, and any others the Select Board deems appropriate, and steps ACS and/or the landlord would take to first, avoid the issues, and second, minimize them. For example:

- a. The parking lot in the Triangle Street B-L District has had elevated noise levels. Some people leave their parked cars and trucks running and radios blaring. The noises carry into our yard, which is within 120 feet of the parking lot behind ACS.
- b. Many drivers skirt the traffic light at the intersection of Triangle and North Pleasant Streets by passing through the parking lot. They are often in a hurry. They frequently run the stop signs entering and exiting the parking lot. This is a hazard on North Pleasant and Cottage Streets. I witnessed a bicyclist being hit by a car as it rolled through the stop sign onto Cottage Street.
- c. There are a number of bank ATMs in the Triangle B-L District. The Bank of American ATM is adjacent to ACS. The ATMs are open 24/7. They are all frequently used by bank customers. We are concerned that people doing banking at the ATMs, day or night, would be at risk of being approached or robbed by people wanting money to buy liquor at ACS. If this happens, bank customers may switch to another bank to help their business. This would obviously not be good for the banks. Is favoring ACS over the banks good for business and our town?
- d. Currently, the majority of people doing business in the Triangle B-L District seem to be there long enough to complete their business and then depart. We are not aware that there are people drinking, or doing drugs, in the parking lot. We are concerned that issuing a liquor license to ACS will degrade that baseline condition and the environment in our neighborhood. The Select Board should take special care to avoid setting the scene for the Triangle B-L District to become a place for off-premises drinking and drugs. It is our understanding that the police have no authority to patrol the parking lot because it is private property. This matter is squarely before the Select Board. We request that the Select Board not have a blind eye to this serious matter and act on its affirmative responsibility for the safety and welfare of the citizenry.
- e. We are also concerned about the proximity to ACS to the Regional High School to the sale of beer and wine. The Select Board should avoid increasing access to alcohol to under-age people. Too often in Amherst and Hadley, we witness young drivers and their friends waiting in their car while another goes inside to buy for them. We do not want to witness that in the Triangle B-L District. Since Amherst, Pelham, and Shutesbury teenagers attend the high school, issuance of a liquor license to ACS is a community concern. We request that the Select Board reach out to the High School officials, beyond simply sending them a notification, actively seek their input, and provide time for them to comment - even if an extension of time is required.

License issuance would create a Grab 'n Go for beer and wine very close to the campus and high school. It would very likely increase traffic in the parking lot and the likelihood or frequency of the issues identified above. We are obviously very concerned about this. The Select Board should be aware of the effects of its action prior to making a decision. The Select Board can avoid these impacts from occurring by denying the license. Therefore, we respectfully request that the Select Board act conservatively and not issue.

Our neighborhood is zoned Residential-General (R-G). It is densely settled. The population ranges in age from very young to elderly, and from physical fit to physically challenged. We are adjacent to the high school and within easy walking distance from the middle and elementary schools as well as downtown. It is a convenient place to live. There is a lot of foot traffic on our sidewalks with children walking to and from school, joggers, and adults walking to and from town. People have felt safe. The B-L District has buffered the single-family residences, several apartment complexes, and the medically



disabled community from the hustle and bustle of the B-G District. It has been a wholesome neighborhood. We have lived here for 16 years and it has been a good place to live and raise a family. Help us keep it that way. We ask the Select Board to protect the integrity of our neighborhood by maintaining the functions and values of the B-L District. Deny the liquor license.

**3. A 24/7 operation is inappropriate**

The prior owner of what is now the ACS did not operate 24/7. ACS has not posted its hours of operation visibly from the sidewalk and has been operating 24/7. Primo Pizzeria Too (Primo) sells good food and soft drinks in the Triangle B-L District. Primo is in the same building complex as ACS. Twice, Primo requested permission to extend its hours of operation past 11:30 PM. Primo hoped to tap into the market of feeding people leaving bars at 1PM. Twice, Primo was denied extended hours. These denials affirmed that the Triangle B-L District is intended for businesses and hours that buffer our adjoining neighborhood from business activity in the downtown B-G District. Just as selling alcohol-to-go is not a B-L appropriate business, conducting business 24/7 is not either. Our neighborhood has been consistently vigilant on this matter. We continue to remind the authorities with jurisdiction that they have an affirmative obligation to safeguard the buffer that the B-L District is intended to provide to the places where we live and raise our families. Healthy neighborhoods are critical for retaining families in Amherst. While this matter may not be squarely before the Select Board in the instant case, we request that the Select Board require ACS to provide a management plan including hours of operation, if it has not already, prior to the Select board making a decision on the liquor license. The Town appears now to have a double standard in effect for essentially similar businesses in the Triangle B-L District. As a matter of equity, the Town must be consistent in its decisions on hours of operation for similar businesses in the Triangle B-L District. To be consistent with previous decisions by the Town, ACS should close at 11:30 PM.

**4. Summary: The ACS location has succeeded as a convenience-type store for over 50 years, without alcohol sales. Issuance of a wine/beer license for the Triangle B-L District sets bad precedent, is bad for the neighborhood, and is bad for the community. The Select Board should deny a liquor license to ACS.**

Amherst does not need to increase access to alcohol at this site. We have to presume the new owner decided to buy the business because his analysis showed that the business is profitable without the sale of beer and wine. If that is not true, and the business was purchased assuming it would be granted a liquor license, then the owner is gambling or was given bad advice. We, nor the Town, have an obligation to assure the owner's success. There can be no *positive* outcome, accept the owners profit, from issuing a wine/beer license to ACS.

Why would the Select Board support a business practice that tips the scale toward the negative, impacts a healthy, mixed neighborhood, degrades the functions and values of the Triangle B-L District, and sets a bad precedent for the other B-L Districts in Amherst?

Thank you for your thoughtful consideration of this information.

Sincerely,

